

REMARKS

In this second and final Office Action dated July 13, 2006, Claims 1, 5-10, 13, and 17-21, including independent Claims 1, 9, 13, and 21, stand finally rejected under 35 USC §102(e) as being anticipated by USPN 6,728,768, Carney ("Carney") for the same reasons that the Examiner set forth in the previous Office Action. Dependent Claims 2-4, 11-12, and 14-16 stand finally rejected under 35 USC §103(a) as being unpatentable over Carney in view of USPN 6,766,361, Venigalla ("Venigalla") for the same reasons that the Examiner set forth in the previous Office Action. It appears that dependent Claims 22-23 also stand finally rejected for the same reasons that were given for dependent Claims 2 and 3; however, clarification from the Examiner is requested if that is not the case.

Applicant thanks the Examiner for considering the arguments presented in the previous response. In this response, Applicant again respectfully traverses the rejections and requests expedited examination under 37 CFR §116 and reconsideration of Claims 1-23 in view of additional arguments as set forth in detail in the following remarks.

Before discussing in detail the reasons that Claims 1-23 are allowable, brief descriptions of the applied references, Carney and Venigalla, are provided to facilitate the discussion of the distinctions between the claims and the references.

Carney

The "GetNext" message is part of the Simple Network Management Protocol ("SNMP"), and is used to search of a table of values by finding the next row in the table (Carney, Col. 1, Lines 62-64). Apparently, "GetNext" message processing causes poor performance of SNMP in devices that support dynamic information, such as a printer that supports the printing of jobs, where the job information changes all the time depending on what jobs are printing or awaiting printing, as described in the printer's local Managed Information Base ("MIB"). (Carney, Col. 3, Lines 47-55). This is because conventional "GetNext" message processing must figure out which row in the table is "next" every time the "GetNext" message is issued by looking through all possible rows of the table (Carney, Col. 3, Lines 47-55).

Carney discloses improvements in "GetNext" message processing designed to overcome this performance problem by building a list for the "GetNext" message once (the first time it the "GetNext" message is issued) and caching the list for a given amount of time. The list stores the index of the next row in the table so that subsequent requests issued in "GetNext" messages can reuse the cached list to find the next row quickly, without having to repeatedly search the entire table.

The Examiner relies on Carney to support the rejection of independent Claims 1, 9, 13, and 21, arguing that the "GetNext" list discloses a file that defines a protocol for which support is to be added to a network traffic tool as recited in the claims. The Examiner further argues that the use of the cached "GetNext" list to determine the next row further discloses determining from that file how packets for the protocol are to be constructed, and building the protocol's runtime specification as recited in the claims.

The Examiner further relies on Carney to support the rejection of dependent Claims 5-8, and 17-20, arguing that the use of the cached "GetNext" list discloses determining a field's type, size, default value, as well as any calculations to be performed for a particular field defined for the protocol as recited in the claims.

Venigalla

The Venigalla reference discloses an e-commerce interface that uses the extensible markup language (XML) to facilitate the exchange of information related to the availability of goods and services. The described interface includes a structured communication and content protocol, and includes a graphical user interface to enable the setup of various devices in accordance with the protocols.

The Examiner cites one passage in Venigalla, at Col. 11, lines 15-65, in which Venigalla discloses an XML schema for exchanging information about a product, such as a Dilbert Plush Doll, including the product code and description. The Examiner relies on this disclosure to support the rejection of dependent Claims 2, 11, and 14, arguing that Venigalla teaches writing a file that defines a protocol in XML. The Examiner further relies on this disclosure to support the rejection of dependent Claims 3, 12, and 15, arguing that Venigalla teaches determining from the file how to display one or more user interface elements, and the rejection of dependent Claims 4 and 16, arguing that Venigalla teaches determining from the file how packets for the protocol are constructed, including determining whether there are one or more protocol encapsulations.

Rejection of Claims 1, 5-10, 13, and 17-21 under 35 USC §102(e) over Carney

Contrary to the assertion of the Examiner, nothing in the "GetNext" list described in Carney discloses *a file that defines a protocol for which protocol support is to be added*, much less a file from which one can determine *how packets for the protocol are constructed*, or from which one can *build a protocol runtime specification for the protocol*, as variously recited in independent Claims 1, 9, 13, and 21. As disclosed in Carney, the "GetNext" list is nothing more than a list of the rows that exist in a table, such as a list of the indices of the rows in a table containing dynamic local printer job information for a printer device, including the index for the next row in the table that is to be searched, i.e., the next printer job to be processed on that printer. As such, the list does not *define a protocol*, nor can such a list be used to determine *how packets for a protocol are constructed*, or to *build a protocol runtime specification for a protocol* as recited in the claims.

While Carney discloses that SNMP, like many other protocols, may be implemented on many different types of network devices, such as hubs, routers, database managers, printers, etc., *nothing in Carney discloses anything related to adding support for SNMP, or any other protocol, to a network device as recited in the claims in the present application*. Indeed, SNMP, as well as the improvements to SNMP described in Carney, are but one example of a protocol that could benefit from the methods and systems for adding such protocol to a network device as recited in the claims of the present application.

For at least these reasons, Applicant believes that independent Claims 1, 9, 13, and 21 are clearly and patentably distinguishable over Carney. Claims 5-8, 10, and 17-

20 are allowable because they depend from allowable independent Claims 1, 9 and 13, and because of their additional limitations. Accordingly, reconsideration and allowance of Claims 1, 5-8, 9, 13, 17-20, and 21 is respectfully requested.

Rejection of Claims 2-4, 11-12, and 14-16 under 35 USC §102(a) over Carney in view of Venigalla

The Examiner argues that it would have been obvious to one of ordinary skill to combine Venigalla and Carney because the teachings of Venigalla would have provided Carney's users *the techniques for using XML as a structural component for machine to machine communication*, (Office Action, P. 5) as well as *a protocol that incorporates unlimited alternatives as to the structure of content, yet permit[ting] efficient searching and transfer of product/service information using machines* (Office Action, P. 6). Applicant submits that these reasons are inadequate to establish a *prima facie* case of obviousness.

As set forth in the Manual of Patent Examining Procedure ("MPEP"),

obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). MPEP 2143.01.

Applicant submits that techniques for using XML in the context of an e-commerce application, such as that described in Venigalla, are irrelevant to the subject matter of the claimed invention, and fail to provide the motivation to combine Venigalla with Carney, either implicitly or explicitly.

Applicant further submits that dependent claims 2-4, 11-12, and 14-16 are distinguishable over the applied references to Carney and Venigalla for at least the same reasons as given for independent Claims 1, 9, and 13, from which they depend. Accordingly, reconsideration and allowance of Claims 2-4, 11-12, and 14-16 is respectfully requested.

Rejection of Claims 22-23

Applicant notes that the reason for the rejection of Claims 22-23 was not specifically set forth in the Office Action. Applicant presumes the reason is the same as for Claims 2 and 3, which contain similar limitations, and submits that Claims 22-23 are patentably distinguishable over the applied references for the same reasons as for Claims 2 and 3. Applicant requests clarification of the reasons for rejecting Claims 22-23 if Applicant's understanding is incorrect.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims **1-23** are in condition for allowance and such action is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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